ORDER:

Heard both sides.

The petitioner, who is an employer, filed I.A. No.2 of 2002 in S.E. No.17 of 2000 on the file of the Authority under Section 48 of the A.P. Shops and Establishments Act, 1988 and Assistant Commissioner of Labour, Khammam (second respondent herein), to set aside the *ex parte* order dated 10.05.2002 passed in the main case viz. S.E. 17 of 2000. The said I.A. was dismissed by the Authority as per order dated 22.06.2002. Challenging the same, S.A. No.3 of 2002 on the file of the Second Appellate Authority under Section 48(3) of the A.P. Shops and Establishments Act, 1988 and Deputy Commissioner of Labour, Khammam (second respondent herein), was filed by the petitioner herein, which was allowed subject to the petitioner/employer depositing the wages for the period from 25.05.2000 to 25.08.2004. Challenging the same, the present Writ Petition is filed.

The learned counsel for the petitioner contended that the wages for the said period have been deposited by the petitioner and therefore, necessary direction may be given to the original authority to dispose of the case in accordance with law after giving opportunity to both sides.

On the other hand, the learned counsel for the petitioner contended that the appeal itself is not maintainable and that as per Section 48(3) of the Act, wages have to be deposited.

Admittedly, the wages have been deposited in pursuance of the directions given by this Court. The issue whether the respondent no.3 herein is entitled for the relief sought for or not, is yet to be decided and determined by the Original Authority.

Therefore, without going into merits of the case, the Writ Petition is disposed of directing the second respondent to dispose of S.E. No. 17 of 2000 preferably within three months from the date of receipt of copy of this Order, after giving reasonable opportunity to both parties. Till disposal of the case, none of the parties are entitled to withdraw the amount so deposited by the petitioner herein.

(K.C.Bhanu, J.)

01.09.2005

DRK

THE HONB'E SRI JUSTICE K.C.BHANU

WRIT PETITION No. 20326 of 2004

Date: 01.09.2005

Between:

M/s. Sree Sairam Theatre, Khammam, rep. by its

Proprietor B.Sunil Kumar, s/o. Sampath Kumar,

26 years, Warangal, Warangal district

…Petitioner

and

1) The Deputy Commissioner of Labour (2nd Appellate Authority under 48(3) of Shops and Establishments Act, 1988), Warangal

Warangal district & two others

…Respondents